



To the Honorable Council  
City of Norfolk, Virginia

January 26, 2016

From: David Ricks, Director of Public Works

**Subject:** Encroach into the right-of-way of 9<sup>th</sup> View Street at 900 W. Ocean View Avenue with a driveway.

Reviewed:

Ronald H. Williams, Jr., Deputy City Manager

**Ward/Superward:** 1/6

Approved:

Marcus D. Jones, City Manager

**Item Number:**

**R-4**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** Thalassa, LLC  
900 W. Ocean View Avenue  
Norfolk, Virginia 23503

III. **Description:**  
This agenda item is an ordinance permitting Thalassa, LLC to encroach into the City of Norfolk ("city") right-of-way of 9<sup>th</sup> View Street at 900 W. Ocean View Avenue with a driveway.

IV. **Analysis:**  
The encroachment in this location will allow Thalassa, LLC to access the rear of their property with a driveway at 900 W. Ocean View Avenue.

V. **Financial Impact:**  
Liability insurance has been provided naming the city as additional insured in the amount of \$1,000,000; therefore, there should be no financial risk to the city. The city did not charge a fee for this encroachment.

VI. **Environmental:**  
N/A

**VII. Community Outreach/Notification:**

Public notification for this agenda item was conducted through the city's agenda notification process.

**VIII. Board/Commission Action:**

The Department of Public Works, the Department of Planning & Community Development, and the City Attorney's Office have reviewed this request for encroachment and offer no objections. Review and approval by the Norfolk Design Review Committee and the City Planning Commission is not required.

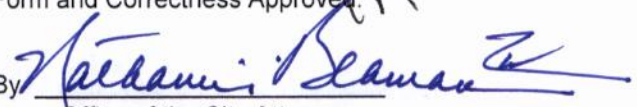
**IX. Coordination/Outreach:**

This letter and ordinance have been coordinated with Department of Public Works, the Department of Planning & Community Development, and the City Attorney's Office.

Supporting Material from the Department of Public Works:

- Ordinance
- Exhibit A

Form and Correctness Approved: 

By   
Office of the City Attorney

 Contents Approved:

By   
DEPT. Public Works

NORFOLK, VIRGINIA

## ORDINANCE No.

AN ORDINANCE PERMITTING THALASSA, LLC TO ENCROACH INTO THE RIGHT-OF-WAY OF 9<sup>TH</sup> VIEW STREET AT 900 W. OCEAN VIEW AVENUE WITH A DRIVEWAY.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That permission is hereby granted to Thalassa, LLC ("Thalassa") to encroach into the right-of-way of 9<sup>th</sup> View Street at 900 W. Ocean View Avenue with a variable width concrete driveway, its widest point being 25.7', as shown on Exhibit A attached hereto, such permission being further subject to the following conditions:

- (A) That this permission is expressly subject to the right of revocation by the Council at any time in its sole discretion, and that in the event of such revocation, Thalassa, or its successors and assigns, shall immediately remove the encroaching structures.
- (B) That upon the removal of the encroaching structures or any part thereof, the authority hereby granted shall cease and terminate.
- (C) That Thalassa, or its successors and assigns, at its own cost and expense, shall take out and keep in full force and effect during the term of this encroachment commercial general liability insurance with a company authorized to do business in the Commonwealth of Virginia. The amount of insurance shall be at least \$1,000,000.00 each occurrence and \$2,000,000.00 general aggregate against liability from claims, actions and suits that may be asserted or brought against the City of Norfolk ("City") and/or Thalassa, and its successors and assigns, for any injury to, or death of, any person or persons or for any damage to, or destruction of property resulting from the installation,



maintenance, or existence of said encroaching structures. City shall be named as additional insured under such insurance, and a copy of the insurance policy, or a certificate of insurance, evidencing the insurance coverage, including any renewals or significant changes in coverage, shall be provided to the City Law Department.

- (D) That City shall not be responsible for any damage to the encroaching structures, including replacement and reinstallation costs, resulting from the City's operation, maintenance, repair, or replacement of any utilities located at 900 W. Ocean View Avenue and the right-of-way of 9<sup>th</sup> View Street.

Section 2:- That the failure of Thalassa, or its successors and assigns, to fully comply with all requirements and conditions set forth herein shall act as an automatic revocation of the permission granted hereby.

Section 3:- That the use of the said encroaching structures shall be deemed an acceptance by Thalassa, and its successors and assigns, of all conditions to which the permissions herein are granted.

Section 4:- That this ordinance shall be in effect from and after its adoption.

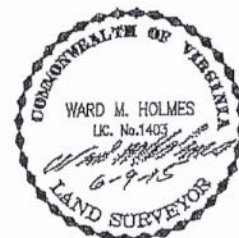
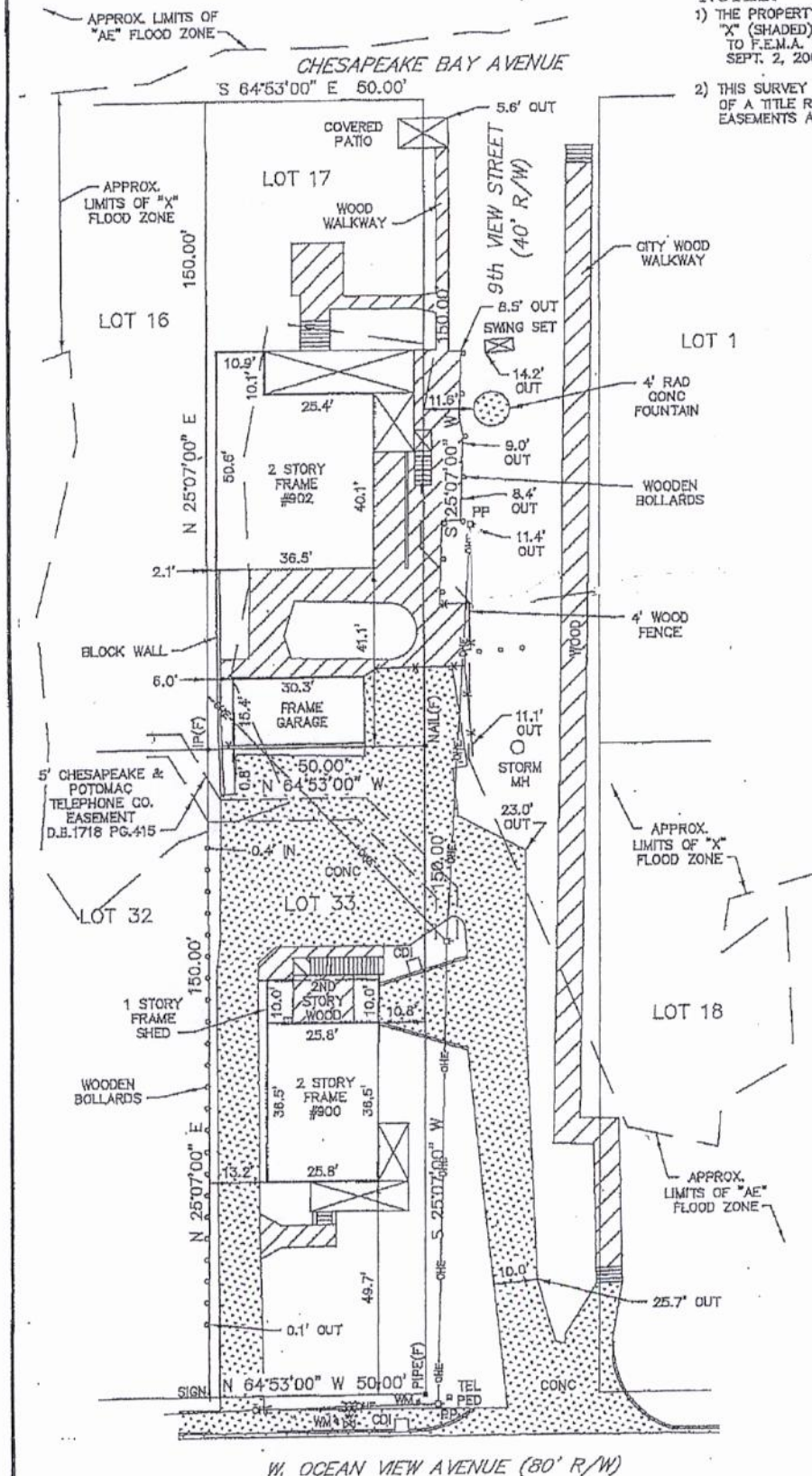
# EXHIBIT A TO ORDINANCE

THIS IS TO CERTIFY THAT I, ON JUNE 9, 2015, SURVEYED THE PROPERTY SHOWN HEREON AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE AS SHOWN HEREON. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN.

SIGNED: *Ward M. Holmes*

## NOTES:

- 1) THE PROPERTY SHOWN HEREON APPEARS TO LIE IN "X" (SHADED) & "AE" (9.1) FLOOD ZONE ACCORDING TO F.E.M.A. MAP PANEL NO. 510104-0020F REVISED SEPT. 2, 2009.
- 2) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT, AND MAY NOT SHOW ANY/ALL EASEMENTS AFFECTING THE PROPERTY.



NOTE: FOR PLAT SEE  
M.B. 5 PG. 80-81  
M.B. 4 PG. 16-17  
NORFOLK, VA

**PHYSICAL SURVEY  
OF  
LOTS 17 & 33, BLOCK 21  
CORRECTED MAP OF  
WILLOUGHBY BEACH  
NORFOLK, VIRGINIA  
FOR  
JOHN HADJIKAKOS**

WARD M. HOLMES  
LAND SURVEYOR, P.C.  
9225 GRANBY STREET  
NORFOLK, VIRGINIA 23503  
757-480-1230

DRAWN BY: WTL

SCALE: 1" = 25'

DATE: JUNE 9, 2015

JOB NO. 15-098

SHEET 1 OF 1